

EXHIBIT 2

PEDONE

DECLARATION

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

KENNETH MARK BURTON as the Administrator of the
Estate of FRANKLIN RAMOS SANCHEZ, MADGA
LILIANA MARTINEZ ACOSTA, Individually and as
m/n/g of F.N.R.M., an Infant, and FRANCY TATIANA
RAMOS MARTINEZ,
Plaintiffs,

v.

UNITED STATES OF AMERICA; ANTHONY
BUSSANICH, M.D., ROBERT BEAUDOUIN, M.D.,
YSMAEL JOAQUIN, MLP, NURSE TERRANCE
THOMSA, OPERATIONS LIEUTENANT KIMBERLY
SHIVERS, OPERATIONS LIEUTENANT LORENZO
BARRAZA, HOUSING UNIT OFFICER QUENTIN
HOLZENDORF, HOUSING UNIT OFFICER GERALD
CASTILLO, HOUSING UNIT OFFICER SHAADIQ
SHAKIR, HOUSING UNIT OFFICER ROSALIND
SILVIA, SENIOR OFFICER WILSON SILVA, BOP
JOHN DOE SUPERVISOR 1, BOP JOHN DOE
SUPERVISOR 2, JON/JANE DOES Nos. 1-5,
Defendants.

Case No. 18 CV 2039 (JHR)

DECLARATION OF ANTHONY PEDONE

I, Anthony Pedone, pursuant to 28 U.S.C. § 1746, declare under penalty of perjury as follows:

2. I am currently employed by the United States Department of Justice, Federal Bureau of Prisons (“BOP”), as the Executive Assistant for the Federal Correctional Institution in Otisville, New York. I was the Special Investigative Agent (“SIA”) at the Metropolitan Correctional Center in New York (“MCC New York”) from May 2015 to April 2019.¹

¹ MCC New York spent a few months without an SIA prior to my arrival in May 2015. During

3. As the SIA, I was in charge of the Special Investigative Service (“SIS”) Department.² The responsibilities of the SIS Department included acting as a liaison with other law enforcement officials at the federal, state, or local levels; investigating or assisting with the investigation of suspected criminal acts and/or violations of Bureau of Prisons policies, whether committed by inmates or staff; monitoring inmates who are members of Security Threat Groups and/or inmates of greatest concern; providing training and oversight in gang management strategies; conducting counterintelligence and surveillance to deter criminal activity and violations of BOP policies; managing crime scenes and evidence processing; and training correctional officers in areas within the expertise of the SIS Department.

4. As noted above, the SIS Department conducted investigations of suspected criminal activity or violations of BOP policy. Among other things, an investigation generally included processing the scene and gathering evidence; collecting memoranda from staff relating to the incident; ensuring inmates suspected to be involved in the incident received a medical assessment and necessary treatment; and interviewing inmates who may have knowledge of the incident. At the conclusion of the investigation, a report was written by me or one of the other SIS staff members. The incident might be referred to the Federal Bureau of Investigation/U.S. Attorney’s Office for possible prosecution or internal incident reports could be issued, if warranted.

5. An SIS investigation is different from a Report of Incident (also called a “BP-583” or a “583” after the form upon which it is written). A Report of Incident is an entry in the

that time, the SIS Department was staffed by rotating Lieutenants and a couple SIS Technicians. There was no SIA at MCC New York on March 15, 2015.

² In the last year or two, BOP modified the role, responsibilities, and duties of an SIA. This declaration is based on my knowledge as SIA at MCC New York, but some information herein may be outdated.

BOP's TRUINTEL database³ and can be initiated by a variety of BOP staff members, including the Operations or Activities Lieutenant, a staff member in the SIS Department, or a member of the institution's Executive Staff. A Report of Incident does not necessarily require a subsequent SIS investigation.

6. The SIS Department at MCC New York did not conduct an investigation into the death of Franklin Sanchez, Reg. No. 71927-054 ("Sanchez") because there was no evidence it involved criminal activity or violations of BOP policy.

7. BOP closed MCC New York in late 2021. There were approximately 200 video surveillance cameras throughout the facility. The cameras were not equipped with microphones, so they only recorded action and not sound.

8. There were no cameras that would have depicted Sanchez's bunk in housing unit 11 South, Tier 8. Rather, the surveillance cameras would have captured footage around the common area of the housing unit and in the sallyport near the elevator. Based on staff members' accounts of the incident and my knowledge of the camera system, I believe video surveillance would have shown staff members entering the housing unit at approximately 10:20 AM on March 15, 2015, in response to the housing officer's call for a medical emergency. The footage would have shown staff members taking Sanchez out of the housing unit and into the sallyport while doing CPR, and then putting him on one of the two elevators.


9. The video surveillance system at MCC New York recorded constantly, so old footage automatically replaced new footage. Staff members in the SIS Department could override the automatic purge and preserve specific recordings. BOP Program Statement 5500.15, *Correctional Services Manual*, and Program Statement 1380.11, *Special Investigative*

³ TRUINTEL is an application used by SIS staff to manage investigations, cases, and information such as gang affiliations, informants, referrals for criminal prosecution, subpoena requests, investigative case files, evidence collection and storage, and investigative reports.

Supervisor Manual,⁴ specifically ordered the preservation of video recording in a calculated use of force incident and an immediate use of force incident (as soon as recording is feasible); otherwise, the SIS Department exercised discretion regarding video surveillance preservation.

I declare under penalty of perjury and pursuant to 28 U.S.C. § 1746 that the foregoing is true and correct to the best of my knowledge.

Executed this 14th day of November 2023.



Anthony Pedone
Unit Manager
FCI Otisville

⁴ These Program Statements are categorized as Sensitive but Unclassified and are only accessible to staff.